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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other similarly
situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

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Case No.: 4:20-cv-03664-YGR-SVK

**[PROPOSED] ORDER GRANTING IN
PART AND DENYING IN PART THE
PARTIES' MOTIONS TO SEAL AND
REMOVE DOCUMENTS (DKTS. 1097,
1098, 1099, 1100)**

Judge: Hon. Yvonne Gonzalez Rogers
Location: Courtroom 1 – 4th Floor

1 Before the Court are several administrative motions to file under seal and associated
2 responses including: (1) the Parties' Administrative Motions to File Under Seal Portions of
3 Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement (Dkt. Nos. 1097,
4 1098, and 1099); (2) Defendant Google LLC's Motion to Remove Incorrectly Filed Documents
5 (Dkt. 1100); and (3) Plaintiffs' Response to Google's Motions to Seal and Remove Documents
6 (Dkt. 1101).

7 The Court has considered all papers, evidence, and argument submitted regarding these
8 administrative motions. Based on the foregoing, IT IS HEREBY ORDERED, ADJUDGED AND
9 DECREED as follows:

10 1. "[T]o ensure class members have the opportunity to meaningfully participate in the
11 settlement approval process specified in Federal Rule of Civil Procedure 23(e), they must,
12 through access to court files, be able to review the bases of the proposed settlement and the other
13 documents in the court record." 2 McLaughlin on Class Actions § 6:22 (20th ed. 2023).

14 2. "A party seeking to seal a document filed with the court must (1) comply with [the
15 relevant rules]; and (2) rebut 'a strong presumption in favor of access' that applies to all
16 documents other than grand jury transcripts or pre-indictment warrant materials." *Thomas v.*
17 *MagnaChip Semiconductor Corp.*, 2017 WL 4750628, at *4 (N.D. Cal. Oct. 20, 2017) (citing
18 *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006)).

19 3. To the extent the documents requested by the parties' to be filed under seal concern
20 issues regarding settlement approval, the Court finds that the "compelling reasons" standard
21 applies.

22 4. Under the "compelling reasons" standard, the party seeking to seal must demonstrate
23 that there is both a "high probability" that a compelling interest would be harmed if material was
24 disclosed and that "there are no alternatives to closure that would adequately protect the
25 compelling interest." *Perry v. Brown*, 667 F.3d 1078, 1088 (9th Cir. 2012) (internal marks
26 omitted).

27 5. Having considered the parties' motions to seal (Dkt. Nos. 1097, 1098, and 1099),
28

Plaintiffs' Response to Google's Motions to Seal and Remove Documents (Dkt. 1101), supporting declarations, and the pleadings on file, and good cause appearing, the Court ORDERS as follows:

Dkt. No(s).	Party Claiming Confidentiality	Document or Portion of Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
1096 & 1097-1	Google	Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement Highlighted Portions at: pp. 13:18, 15:20–28	DENIED	
1097-3 & 4	Google & Plaintiffs	Mao Decl., Exhibit 1 (Settlement Agreement) Portions highlighted at pages 8, Exhibits B–E	GRANTED as to redacted portions in Exhibits B, C, D and E. DENIED as to portions highlighted at page 8	
1097-12	Google	Mao Decl., Exhibit 9 (GOOG-BRWN-00406065) Portions highlighted at pages -065–069	GRANTED	
1097-13	Google	Mao Decl., Exhibit 10 (GOOG-CABR-03611484) Portions highlighted at pages -484	GRANTED	
1097-16 & 17	Google	Thompson Declaration	GRANTED	

		Portions highlighted at pages 2:18, 3:13, 3:23, 4:4–6, 4:10, 4:15–16		
1097-19	Google	Thompson Decl., Exhibit B Portions highlighted at pages 7:20–21, 7:23–25, 8:14, Exhibit A at pages 2–3	GRANTED	
1097-21	Google	Thompson Decl., Exhibit C Portions highlighted in green at pages 1-4	GRANTED	

6. Having considered Google LLC’s Motion (Dkt. 1100) and Plaintiffs’ Response (Dkt. 1101), the Court DENIES Defendant Google LLC’s Motion to Remove Incorrectly Filed Documents.

IT IS SO ORDERED.

DATED: _____

Honorable Yvonne Gonzalez Rogers
United States District Judge